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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
AT TACOMA

10 ANDRA M. HAGINS,

11 Petitioner,

12 v.

13 STEVE SINCLAIR, WARDEN,

14 Respondent.

Case No. C06-5676FDB


ORDER DENYING CERTIFICATE
OF APPEALABILITY

15 Petitioner's *habeas corpus* petition challenged the legality of his conviction on six grounds.
16 This Court adopted the Magistrate Judge's Report and Recommendation, which thoroughly
17 examined each of the arguments advanced and concluded that four grounds were unexhausted and
18 procedurally barred. The Magistrate Judge recommended that the remaining two claims be
19 dismissed on their merits. Those two claims had to do with the trial court's refusal to grant a mistrial
20 based on alleged tainting of the jury and a failure of the trial court to find that Petitioner was denied a
21 fair trial as a result of the prosecutor's closing statements.

22 As to the claims that are unexhausted and procedurally barred, this Court concludes that
23 jurists of reason would not resolve the issues differently. As to the remaining two claims, there is no
24 substantial showing of denial of a federal right, and a certificate of appealability will be denied.
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1 ACCORDINGLY, IT IS ORDERED: Petitioner's Application for Certificate of Appealability
2 [Dkt. # 53] is DENIED.

3 DATED this 5th day of December, 2008.

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6 FRANKLIN D. BURGESS
7 UNITED STATES DISTRICT JUDGE
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